

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

STREAMBEND PROPERTIES III, LLC and  
STREAMBEND PROPERTIES IV, LLC,

Plaintiffs,

v.

**ORDER**

Civil File No. 10-4745 (MJD/SER)

SEXTON LOFTS, LLC, et al.,

Defendants.

---

Sara M. G. Rojas, The Law Offices of Sara M. G. Rojas, Counsel for Plaintiffs.

D. Charles Macdonald, Faegre Baker Daniels LLP, Counsel for Defendants MRM Management Corp., Robert T. Myers, and James M. Myers.

Brian R. Christiansen, John J. Steffenhagen, and Joseph P. Beckman, Hellmuth & Johnson PLLC, Counsel for Defendants Sexton I, LLC and Nedal Abdul-Hajj.

Matthew D. Sloneker and Richard A. Lind, Lind Jensen Sullivan & Peterson, PA, Counsel for Defendant Burnet Realty, LLC.

---

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated December 3, 2013. Plaintiffs filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the thorough and detailed Report and Recommendation of United States Magistrate Judge Rau dated December 3, 2013.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated December 3, 2013 [Docket No. 299].
2. Plaintiffs' Motion for Entry of Default Against Brett Thielen [Docket No. 232] is **DENIED**.
3. Plaintiffs' Motion for Entry of Default Judgment [Docket No. 257] is **DENIED**.
4. Defendant Burnet Realty LLC's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) [Docket No. 247] is **GRANTED** and Burnet Realty LLC is **DISMISSED** with prejudice.
5. All claims against Brett Thielen are **DISMISSED** with prejudice.
6. The Clerk of Court's Entries of Default against Heather Enterprises II, LP [Docket No. 93]; JJT Development LLC [Docket No. 94]; Regency Commercial Services LC [Docket No. 96]; Regency Commercial Services of Minnesota LLC [Docket No. 97]; JJT LLC [Docket No. 106]; and Sexton Lofts, LLC [Docket No. 107] are **VACATED**.
7. All claims against Heather Enterprises II, LP; JJT Development LLC; Regency Commercial Services LC; Regency Commercial Services of

Minnesota LLC; JJT LLC; and Sexton Lofts, LLC are **DISMISSED** with prejudice.

8. All claims against John Doe, Mary Rowe, and XYZ Corp. are **DISMISSED** with prejudice.
9. In sum, all claims against all Defendants have now been **DISMISSED**, and this entire matter is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 28, 2014

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court